

**SENATE JOURNAL
65TH LEGISLATURE
TWENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
January 30, 2017

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator MacDonald. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senator Caferro excused. Quorum present..

BILLS AND JOURNALS (Keenan, Chair):

1/30/2017

Correctly printed: **SB 67, SB 71, SB 82, SB 100, SB 107, SB 113, SB 123, SB 160, SB 161, SB 162, SB 163, SB 164, SB 165, SJ 3, HB 16, HB 25, HB 39, HB 42.**

Correctly engrossed: **SB 64, SB 118.**

Transmitted to the House: **SB 89, SB 103.**

MESSAGES FROM THE GOVERNOR

January 27, 2017

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the following board, council and commission appointments for confirmation.

Chiropractors, Board of

MCA 2-15-1737

- ! Dr. Amy Pezo, Great Northern Chiropractic Clinic, 1617 Euclid Ave, Suite 5, Helena, MT 59601, was reappointed to serve a term starting January 27, 2017 and ending January 1, 2020. Pezo fulfills the qualifications of Chiropractor for the board.

Dentistry, Board of

MCA 2-15-1732

- ! Mr. Jim Corson, 410 15th Street W., #8, Billings, MT 59102, was appointed to serve a term starting January 27, 2017 and ending March 29, 2017. Mr. Corson is also reappointed to

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serve a term starting March 29, 2017 and ending April 1, 2022. Corson fulfills the qualifications of Public Representative for the board.

Please note that Jim's appointment to the Board of Dentistry comes concurrently with his resignation from the Board of Nursing Home Administrators as previously submitted for confirmation.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/27/2017

HB 24, introduced by R. Ehli
HB 92, introduced by F. Garner
HB 124, introduced by S. Stewart-Peregoy
HB 165, introduced by G. Hertz
HB 223, introduced by Custer
HB 237, introduced by R. Ehli
HB 240, introduced by K. White
HB 277, introduced by M. Regier
HB 278, introduced by M. Regier

House joint resolution passed and transmitted to the Senate for concurrence: 1/27/2017

HJ 5, introduced by K. McCarthy

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 166, introduced by E. Buttrey, D. Ankney, M. Blasdel, D. Brown, P. Connell, S. Fitzpatrick, D. Jones, R. Osmundson, T. Richmond, D. Salomon, F. Thomas, G. Vance, C. Vincent, J. Welborn, referred to Business, Labor, and Economic Affairs.

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SB 167, introduced by C. Vincent, referred to Business, Labor, and Economic Affairs.

SB 168, introduced by S. Malek, referred to Energy and Telecommunications.

SB 169, introduced by B. Hoven, E. Buttrey, R. Cook, W. Curdy, W. Galt, C. Knudsen, R. Lynch, D. Salomon, J. Sesso, referred to Business, Labor, and Economic Affairs.

SB 170, introduced by S. Hinebauch, J. Essmann, T. Gauthier, A. Rosendale, C. Smith, S. Staffanson, R. Tempel, C. Vincent, K. White, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 7, introduced by D. Brown, E. Buttrey, C. Glimm, B. Hamlett, referred to Judiciary.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 22, introduced by K. Regier, referred to Judiciary.

SR 23, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

SR 24, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

SR 25, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 24, introduced by R. Ehli (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.

HB 92, introduced by F. Garner (by request of the Department of Transportation), referred to Highways and Transportation.

HB 124, introduced by S. Stewart-Peregoy (by request of the Water Policy Interim Committee), referred to Natural Resources.

HB 165, introduced by G. Hertz, referred to Judiciary.

HB 223, introduced by G. Custer, L. Jones, referred to Business, Labor, and Economic Affairs.

HB 237, introduced by R. Ehli, referred to Judiciary.

HB 240, introduced by K. White, referred to Fish and Game.

HB 277, introduced by M. Regier, referred to Judiciary.

HB 278, introduced by M. Regier, referred to Judiciary.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 5, introduced by K. McCarthy, J. Bachmeier, A. Curtis, J. Eck, J. Fleming, T. Jacobson, J. Karjala, K. Kelker, G. Kipp, R. Lynch, S. Morigeau, R. Peppers, C. Schreiner, B. Smith, S. Webber, J. Windy Boy, D. Ankney, J. Gross, M. MacDonald, M. McNally, D. Sands, J. Small, F. Smith, J. Welborn, L. Whitford, referred to State Administration.

Senator Caferro joined the Senate at this time.

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olszewski in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Majority Leader Thomas moved consideration of **SB 72** be placed below item #7 (SB 59) on the second reading agenda. Without objection, so ordered.

HB 88 - Senator Salomon moved **HB 88** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 120 - Senator Facey moved **HB 120** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

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Excused: None.

Total 0

HB 122 - Senator Connell moved **HB 122** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 132 - Senator Fitzpatrick moved **HB 132** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 197 - Senator F. Smith moved **HB 197** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas,

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Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Hinebauch.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 59 - Senator Wolken moved **SB 59** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 46

Nays: Hinebauch, Vance, Mr.President.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 72 - Senator Connell moved **SB 72** do pass.

SB 72 - Senator Connell moved **SB 72**, second reading copy, be amended as follows:

1. Page 5, line 20 through line 21.

Following: "FROM THE" on line 20

Strike: "TRUST" on line 20 through "ESTABLISHED IN 77-1-108" on line 21

Insert: "search and rescue account established in 10-3-801"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vuckovich, Welborn, Whitford, Wolken.
Total 28

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Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Vincent, Webb, Mr.President.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 72 - Senator Fitzpatrick moved **SB 72**, second reading copy, be amended as follows:

1. Page 1, line 28.

Following: "(b)"

Insert: "(i)"

2. Page 1, line 29.

Following: "7-33-4109"

Strike: "."

Insert: "who, during the course and scope of the firefighter's duties, inhaled smoke or particles in sufficient quantities to have reasonably caused a presumptive disease.

(ii) The term does not apply to a firefighter whose course and scope of firefighting duties were clerical, did not involve close proximity to fires and smoke, or otherwise did not include inhaling smoke or particles in sufficient quantities to have reasonably caused a presumptive disease."

Amendment adopted as follows:

Yeas: Blasdel, Brown, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.

Total 25

Nays: Ankney, Barrett, Buttrey, Caferro, Cohenour, Connell, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 72 - Bill, as amended, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Buttrey, Caferro, Cohenour, Connell, Facey, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.
Total 28

Nays: Brown, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 60 - Senator Wolken moved **SB 60** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 44

Nays: Hinebauch, Hinkle, Smith C, Vance, Mr.President.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 40 - Senator Swandal moved **HB 40** be concurred in. Motion carried as follows:

Yeas: Barrett, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Thomas, Vuckovich, Whitford, Wolken.
Total 35

Nays: Ankney, Blasdel, Brown, Buttrey, Hinkle, Kary, Regier, Smith C, Tempel, Vance, Vincent,

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Webb, Welborn, Mr.President.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 74 - Senator Barrett moved **HB 74** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Olszewski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 67 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 71 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 82 passed as follows:

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Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 100 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 35

Nays: Barrett, Cohenour, Facey, Gross, MacDonald, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 107 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJ 3 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 39 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 42 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder,

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Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas that **SB 72** and **SB 60**, heard on second reading this date, be referred to the Finance and Claims Committee. Without objection so ordered.

SPECIAL ORDERS OF THE DAY

Senator Blasdel introduced the Pages for the coming week:

Danae Fipula Ankney from Laurel, sponsored by Senator Ankney
Dania Jones from Conrad, sponsored by Senator Jones
Joseph Tillotson from Townsend, sponsored by President Sales

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, January 31, 2017, the 22nd legislative day. Motion carried.

Senate adjourned at 2:35 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate